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Attorneys for the Official Committee of Equity Security  
 Holders of USA Capital Diversified Trust Deed Fund, LLC

# UNITED STATES BANKRUPTCY COURT

## DISTRICT OF NEVADA

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED  
 FUND, LLC,  
 Debtor.

In re:  
 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

In re:  
 USA SECURITIES, LLC,  
 Debtor.

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under  
 Case No. BK-S-06-10725-LBR

**NOTICE OF ENTRY OF ORDER  
 SUSTAINING OMNIBUS  
 OBJECTION OF THE OFFICIAL  
 COMMITTEE OF EQUITY  
 SECURITY HOLDERS OF USA  
 CAPITAL DIVERSIFIED TRUST  
 DEED FUND, LLC, TO CLAIMS  
 ON EQUITY MISFILED  
 AGAINST USA CAPITAL  
 DIVERSIFIED TRUST DEED  
 FUND, LLC AS CREDITOR  
 CLAIMS**





Entered on Docket  
February 14, 2007

Hon. Linda B. Riegler  
United States Bankruptcy Judge

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*Attorneys for the Official Committee of Equity Security Holders  
of USA Capital Diversified Trust Deed Fund, LLC*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

In re:  
USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

In re:  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
Debtor.

In re:  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

In re:  
USA SECURITIES, LLC,  
Debtor.

Case No. BK-S-06-10725 LBR  
Case No. BK-S-06-10726 LBR  
Case No. BK-S-06-10727 LBR  
Case No. BK-S-06-10728 LBR  
Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under  
Case No. BK-S-06-10725-LBR

**ORDER SUSTAINING OMNIBUS  
OBJECTION OF THE OFFICIAL  
COMMITTEE OF EQUITY  
SECURITY HOLDERS OF USA  
CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC, TO CLAIMS ON  
EQUITY MISFILED AGAINST USA  
CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC AS CREDITOR  
CLAIMS**

## Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Date: January 31, 2007  
 Time: 9:30 a.m.  
 Courtroom: 1

The Court having considered the Omnibus Objection of the Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC to Claims on Equity Misfiled As Proofs of Claim (the "Objection"), all subsequent related pleadings, the papers and records on file in the above-captioned bankruptcy cases, and the arguments of counsel at the hearing noted above, Anne M. Loraditch, Esq., appearing for the Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC, with other appearances as noted on the record; sufficient notice having been given; the Court having made its findings of fact and conclusions of law on the record, incorporated herein pursuant to Rule 7052 of the Federal Rules of Bankruptcy Procedure; and for good cause appearing:

IT IS HEREBY ORDERED that the Objection is sustained.

IT IS FURTHER ORDERED that the claims listed on Exhibit A, attached hereto and made a part hereof, shall be disallowed in their entirety, as they are creditor claims filed by holders of equity interests in USA Capital Diversified Trust Deed Fund, LLC ("Diversified Fund") who are not entitled to any distribution from Diversified Fund on the basis of such claims but who shall recover from Diversified Fund on a pro rata basis according to their respective equity interests.

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1 RESPECTFULLY SUBMITTED BY:

2 BECKLEY SINGLETON, CHTD.

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16 **APPROVED**/DISAPPROVED:

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23 and

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28 *Trust Deed Fund, LLC*

**APPROVED**/DISAPPROVED:

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*Counsel for the Official Committee of Equity*

*Security Holders of USA Capital First Trust*

*Deed Fund, LLC*

1 **APPROVED**/DISAPPROVED:

2 LEWIS & ROCA, LLP

3 /s/ Susan Freeman

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10 *Creditors of USA Commercial Mortgage*

11 **APPROVED**/DISAPPROVED:

12 GOOLD PATTERSON ALES & DAY

13 /s/ Kelly J. Brinkman

14 KELLY J. BRINKMAN, ESQ.

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16 Las Vegas, Nevada 89121

17 Telephone: (702) 436-2600

18 *Counsel for Karen Petersen Tyndall*

19 APPROVED/DISAPPROVED:

20 LAW OFFICE OF WM. L. MCGIMSEY, P.C.

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22 601 East Charleston Boulevard

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26 *Jerry McGimsey, Johnny Clark and Bruce*  
27 *McGimsey*

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/s/ Greg E. Garman

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*Counsel for the Official Committee of Holders*  
*of Executory Contract Rights of USA*  
*Commercial Mortgage*

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/s/ James D. Greene

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*Counsel for John Godfrey*

**APPROVED**/DISAPPROVED:

OFFICE OF THE UNITED STATES  
TRUSTEE

/s/ August Landis

300 Las Vegas Boulevard, Suite 4300

Las Vegas, Nevada 89101

1 ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with Local Rule 9021, the undersigned certifies:

3 ☐ The Court waived the requirements of LR 9021.

4 ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties  
5 who appeared at the hearing regarding this matter and/or who filed a written objection and each  
6 has:

7 ☒ approved the form of this order;

8 ☐ waived the right to review the order; and/or

9 ☒ failed to file and serve papers in accordance with LR 9021(c); and

10 the following have disapproved the form of the order:  
11 n/a

12 ☐ No opposition was filed to the motion and no other party or counsel appeared at the  
13 hearing.

14 DATED this 12th day of February 2007.

15 BECKLEY SINGLETON, CHTD.

16   
17 ANNE M. LORADITCH, ESQ.

18 Nevada Bar No. 8164

19 530 Las Vegas Boulevard South

20 Las Vegas, Nevada 89101

# EXHIBIT A

Claim No.	Claimant	Claim Amount
1	Diana Forde, Trustee of the Michelle Revocable Trust	\$168,165.63
2	Diana Forde, Trustee of the Michelle Revocable Trust	\$168,165.63
3	Joseph Grgurich	\$24,023.66
4	Robert G. Worthen	\$1,578,096.69
5	Roseberry Family LP, Robert L. Roseberry	\$25,000.00
21	David & Sharon Mesker	\$83,036.03
22	Anthony & Nancy Prescia	\$144,141.97
23	Anthony & Nancy Prescia	\$233,782.12
24	Patterson-Rogers 2001 Family Trust	\$48,047.32
25	Simmtex, Inc.	\$240,236.61
26	Jed Barish	\$87,870.62
27	Ross Deller	\$50,000.00
28	Ross Deller	\$100,000.00
29	Ross Deller	\$120,000.00
30	Ross Deller	\$50,000.00
31	Joseph Grgurich	\$24,023.66
32	Diana Forde, Trustee of the Michelle Revocable Trust	\$168,165.63
33	Diana Forde, Trustee of the Michelle Revocable Trust	\$93,000.00
34	Lestor C. Avila	\$200,000.00
35	Rex B. McBride	\$50,000.00
36	Thomas A. Brodie, Jr.	\$24,023.66
39	Aristotle Melonas	\$21,728.50
40	Aristotle Melonas	\$551,616.50
41	Aristotle Melonas	\$72,070.98
42	Aristotle Melonas	\$654,852.55
43	Aristotle Melonas	\$145,496.04
44	Robert Carollo & Beverly Carollo	\$96,094.65
45	Suzanne C. Mowbray, Trustee	\$196,705.49
46	Walter C. Bell & Enriquita Bell	\$50,000.00
47	First Savings Bank C/F Janice Wise IRA	\$120,118.00
48	First Savings Bank C/F Kenneth N. Wise IRA	\$144,141.00
49	The Chiapetta Trust Pat & John Chiapetta Trustee	\$59,104.28
50	Silver Saver Mort., Inc.	\$36,386.45
51	E. Leslie Combs, Jrs. IRA #507	\$136,029.35
52	E. Leslie Combs, Jrs. Or Sherri Y. Allen	\$48,530.85
54	Said Mobin	\$24,220.26
55	James C. Connick & Velma M. Connick	\$144,141.97
57	Robert J. Scott & Lois Mae Scott	\$77,423.96
58	Carmine and Ann Vento	\$48,047.32
59	Ramona C. Bigelow	\$30,363.07
60	Alan Benet	\$26,577.40



1	61	Tamra A. Mamuad	\$480,473.24
2	62	Manfred S. Spindel & Christine L. Spindel	\$296,706.00
3	63	Said Mobin	\$24,220.26
4	64	Bill Wallace	\$57,530.57
5	65	Maila Snider	\$31,139.14
6	66	Maila Snider	\$96,094.65
7	67	Walter Hell & Sylvia Hell, Trustees	\$124,334.87
8	68	Janice J. Hergert Revocable Living Trust Dated 9/15/00	\$25,000.00
9	69	Janice J. Hergert Revocable Living Trust Dated 9/15/00	\$50,000.00
10	70	Bryan L. Fidler and Dawn E. Lucas	\$56,344.00
11	71	Alfred Olsen, Jr.	\$223,706.67
12	72	Joseph and Loretta Donnolo, Ttees, Donnolo Family Trust	\$48,047.00
13	73	John Mulkey	\$817.95
14	74	Arthur P. Laird & Eulalia Laird, Ttees, Laird Family Trust Dated 2/15/97	\$30,829.24
15	75	Kristen L. Beling & William J. Dougherty, Ttees, Sunset Endodontics PS Trust	\$55,644.80
16	76	William F. or Louise Scheve	\$36,669.07
17	77	Bruce and Sherry Layne	\$240,000.00
18	78	Mark Horton Treasurer Allen Bennett Trustee Shepherd of the Mountains Lutheran Church	\$24,708.00
19	84	KPT Irrevocable Trust Dated 7/16/99	\$202,866.38
20	85	Karen Petersen Tyndall Trust Dated 3/9/94 (Acct #4231)	\$1,115,915.59
21	86	William M. Spangler (Acct 6249)	\$48,047.32
22	87	William M. Spangler and Jean A. Spangler (Acct 8249)	\$72,070.98
23	88	Gary Michelsen	No amount stated
24	89	John E. Michelsen Family Trust	No amount stated
25	90	Margaret B. McGimsey Trust	\$96,094.75
26	91	Miriam B. Gage and George J. Gage	\$283,838.53
27	92	George J. Gage Trust Dated October 8, 1999	\$48,047.32
28	93	Sharon or Jerry McGimsey	\$311,091.58
	94	Johnny Clark	\$99,467.90
	95	Bruce McGimsey	\$86,171.22
	96	Castulo O. Martinez	\$24,573.59
	97	Helen N. Graeber	\$216,212.95
	98	Eric T. and Dolores V. Erickson	\$120,185.07
	99	Carol Ann Turner	\$98,054.36
	100	Terry L. Hansen Revocable Living Trust Dated 9/25/03	\$48,047.32
	101	John A. Godfrey, Pinnacle Entertainment Inc.	\$262,760.24
	102	Douglas Carson	\$1,119.58
	103	Robert A. Susskind	\$213,645.91
	104	Ralph W. Sherer Trust	\$193,176.95
	105	Cynthia Deitz aka Cynthia L. Schulte	\$264.01
	106	Debra S. Ballinger	\$29,632.19
	107	Gwen S. Patton Trust	\$129,027.13
	108	Andrew W. & Beth Mitchell	\$111,444.82

109	Jean Jacques Leblanc	\$66,050.02
110	Jean-Jacques Leblanc	\$768,757.17
111	George J. Gage Trust Dated October 8, 1999	\$48,047.32
112	Miriam B. Gage and George J. Gage	\$283,838.53
113	CFR, Inc.	\$53,917.15
114	David R. Fuller and Monica D. Fuller Trust	\$261,687.87
115	Cynthia Deitz (fka Schulte)	\$264.01
117	Michael Baginski	\$288,283
118	Karen Petersen Tyndall Trust Dated 3/9/94	\$1,115,915.59
119	KPT Irrevocable Trust Dated 7/16/99	\$202,866.38
120	Herman M. Adams/Brian M. Adams/Anthony G. Adams	\$3,625,000.00
121	Michael L. Gross and Diana M. Gross	\$96,094.65
122	Brian M. Adams	\$325,000.00
123	Olympia Capital Management	\$100,000.00
124	Larry L. & Patsy R. Rieger	\$194,337.91
127	John E. Michelsen Family Trust	No amount stated
128	Gary Michelsen	No amount stated
129	Margaret B. McGimsey Trust	\$96,094.75
130	Sharon or Jerry McGimsey	\$311,091.58
131	Johnny Clark	\$99,467.90
133	Olympia Capital Management	\$100,000.00
134	William M. Spangler	\$48,047.32
135	William M. Spangler and Jean A. Spangler	\$72,070.98
136	Bruce McGimsey	\$86,171.32
137	Jack M. Dunphy	\$26,071.08

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